

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN P. GREINER, JR.,

Plaintiff,

Case No. 14-cv-13979

Hon. Matthew F. Leitman

v.

CHARTER COUNTY OF
MACOMB, MICHIGAN aka
MACOMB COUNTY, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION (ECF #158)**

By an Opinion and Order dated September 11, 2017 (ECF #117) and a second Opinion and Order dated November 13, 2017 (ECF #138), this Court granted summary judgment in favor of Defendants and against Plaintiff John Greiner on all of Greiner's claims. Greiner filed eight motions for reconsiderations (ECF ## 118, 119, 121, 122, 125, 126, 128, 129), and the Court entered orders denying them all (ECF ## 124, 127, 131). The Court subsequently entered a final judgment against Greiner (ECF #139), and Greiner thereafter filed a Notice of Appeal. (ECF #140.)

With his appeal still pending, Greiner returned to this Court and filed a motion for relief from judgment under Rule 60(b)(3) of the Federal Rules of Civil Procedure. (ECF #155.) Because Greiner had filed a Notice of Appeal from the Court's final judgment, this Court lacked jurisdiction to grant relief under Rule 60(b). *See Pickens v. Howes*, 549 F.3d 377, 383 (6th Cir. 2008). Accordingly, this Court denied Greiner's motion. (ECF #157).

Furthermore, this Court indicated that, in the event of a remand, this Court would *not* grant Grenier's motion for relief from judgment because the motion presented no new basis on which to disturb the judgment entered against Greiner. (*Id.* at Pg. ID 9990.)

On November 30, 2018, Grenier filed another motion for reconsideration from judgment "based on fraud on the court." (ECF #158.) Motions for reconsideration are governed by Local Rule 7.1(h). That rule provides:

Generally, and without restricting the Court's discretion, the Court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the Court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the Court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. Local Rule 7.1(h)(3).

The Court has reviewed Greiner's motion and concludes that he has not met this standard. Greiner has once again failed to persuade the Court that its earlier Opinions and Orders (ECF ##117, 138) contain palpable defects, or that correction of any of the alleged defects would result in a different disposition. Accordingly, Greiner's motion (ECF #158) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 10, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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